

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JANICE GWEN STILKEY
P O Box 1438
Sugarloaf, CA 92386

Case No. 2012-207

Registered Nurse License No. 256695

Respondent

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **July 17, 2012.**

IT IS SO ORDERED **July 17, 2012.**



Erin Niemela
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
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4 State Bar No. 171168
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-207

12 **JANICE GWEN STILKEY**
13 **P.O. Box 1438**
Sugarloaf, CA 92386
14 **Registered Nurse License No. 256695**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
21 Registered Nursing (Board.) She brought this action solely in her official capacity and is
22 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
23 Christina Thomas, Deputy Attorney General.

24 2. Janice Gwen Stilkey (Respondent) is representing herself in this proceeding and has
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about July 31, 1975, the Board of Registered Nursing issued Registered Nurse
27 License No. 256695 to Janice Gwen Stilkey. The Registered Nurse License will expire on
28 February 28, 2013, unless renewed.

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1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board of Registered Nursing.

3 15. Respondent shall lose all rights and privileges as a Registered Nurse in California as
4 of the effective date of the Board's Decision and Order.

5 16. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 17. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in
11 Accusation No. 2012- 207 shall be deemed to be true, correct and admitted by Respondent when
12 the Board determines whether to grant or deny the petition.

13 18. Respondent shall not apply for licensure or petition for reinstatement for two years
14 from the effective date of the Board of Registered Nursing's Decision and Order.

15 COST RECOVERY

16 19. If and when Respondent's license is reinstated, she shall pay to the Board costs
17 associated with its investigation and enforcement pursuant to Business and Professions Code
18 section 125.3 in the amount of \$1,480.00. Respondent shall be permitted to pay these costs in a
19 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
20 Board from reducing the amount of cost recovery upon reinstatement of the license.

21
22 ACCEPTANCE

23 I have carefully read the Stipulated Surrender of License and Order. I understand the
24 stipulation and the effect it will have on my Registered Nurse License. I enter into this
25 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
26 be bound by the Decision and Order of the Board of Registered Nursing.

27 DATED: 12-28-11

28 Janice Gwen Stilkey
JANICE GWEN STILKEY
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:

2/22/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General


CHRISTINA THOMAS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 2012-207

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
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12 In the Matter of the Accusation Against:

Case No.

2012-207

13 **JANICE GWEN STILKEY**

P.O. Box 1438

14 Sugarloaf, CA 92386

Registered Nurse License No. 256695

15 Respondent.

16 **ACCUSATION**

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs (Board).

22 2. On or about July 31, 1975, the Board issued Registered Nurse License No. 256695 to
23 Janice Gwen Stilkey (Respondent). The Registered Nurse License will expire on February 28,
24 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

28 ///

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. A registered nurse license is a license issued under Division 2 and is subject to Sections 820 and 822.

6. Section 820 states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

7. Section 822 states:

"If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

"(a) Revoking the licentiate's certificate or license.

"(b) Suspending the licentiate's right to practice.

"(c) Placing the licentiate on probation.

"(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper."

"The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated."

1 8. Section 2750 provides that the Board may discipline any licensee, including a
2 licensee holding a temporary or an inactive license, for any reason provided in Article 3
3 (commencing with section 2750) of the Nursing Practice Act.

4 9. Section 2761 states, in pertinent part:

5 "The board may take disciplinary action against a certified or licensed nurse or deny an
6 application for a certificate or license for any of the following:

7 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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9 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
10 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
11 Act] or regulations adopted pursuant to it. . . ."

12 10. Section 2764 provides that the expiration of a license shall not deprive the Board of
13 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision
14 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an
15 expired license at any time within eight (8) years after the expiration.

16 11. Section 2770.11 states:

17 "(a) Each registered nurse who requests participation in a diversion program shall agree to
18 cooperate with the rehabilitation program designed by the committee and approved by the
19 program manager. Any failure to comply with the provisions of a rehabilitation program may
20 result in termination of the registered nurse's participation in a program. The name and license
21 number of a registered nurse who is terminated for any reason, other than successful completion,
22 shall be reported to the board's enforcement program.

23 "(b) If the program manager determines that a registered nurse, who is denied admission
24 into the program or terminated from the program, presents a threat to the public or his or her own
25 health and safety, the program manager shall report the name and license number, along with a
26 copy of all diversion records for that registered nurse, to the board's enforcement program. The
27 board may use any of the records it receives under this subdivision in any disciplinary
28 proceeding."

1 **COST RECOVERY**

2 12. Section 125.3 provides that the Board may request the administrative law judge to
3 direct a licensee found to have committed a violation or violations of the licensing act to pay a
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Unable to Practice Safely)**

7 13. Respondent is subject to disciplinary action under section 822, in that Respondent is
8 unable to safely practice as a registered nurse.

9 14. On or about April 20, 2011, the Board received correspondence from Respondent,
10 dated April 26, 2010, self-terminating herself from the Board's Diversion Program (Program).
11 Respondent informed the Board that she is on permanent disability, unable to cope, unable to
12 mentally deal with the Program's many requirements, and unable to maintain her registered nurse
13 license. Respondent provided the Board with a detailed seven (7) page medical evaluation, dated
14 February 24, 2011, from her attending physician.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct)**

17 15. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and /
18 or (d), in that Respondent committed acts of unprofessional conduct and / or acts violating the
19 Nursing Practice Act by failing to comply with and complete the Board's Diversion Program
20 when she self-terminated from the Program. Complainant refers to and by this reference
21 incorporates the allegations set forth above in paragraphs 13 - 14, inclusive, as though set forth
22 fully.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Registered Nursing issue a decision:

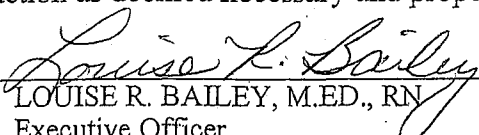
26 1. Revoking or suspending Registered Nurse License No. 256695, issued to Janice
27 Gwen Stilkey;

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1 2. Ordering Janice Gwen Stilkey to pay the Board the reasonable costs of the
2 investigation and enforcement of this case, pursuant to section 125.3; and,

3 3. Taking such other and further action as deemed necessary and proper.

4 DATED: October 4, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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